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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,495	12/10/2004	Sohan Sarin	69993-254192	7090
26694	7590	03/25/2009		
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			EXAMINER PHILLIPS, FORREST M	
			ART UNIT 2837	PAPER NUMBER
			MAIL DATE 03/25/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,495

Applicant(s)

SARIN ET AL.

Examiner

FORREST M. PHILLIPS

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,5-6,8-12, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US4817756) in view of Bristow (US20050067218) and Wilson (US5114232).

With respect to claim 1 Carr discloses an acoustic liner (see figure 6) arranged to attenuate sound, comprising a top sheet (96 in figure 6) having substantially linear characteristics and liner core or cavity (90 in figure 6) wherein the top sheet is metallic (Column 6 lines 50-65).

Carr does not disclose wherein the top layer is a metallic foam or specifically address the linearity of the top sheet.

Bristow discloses the use of porous metallic foam as a sound absorber in a heat temperature region (see figures and paragraphs 23, and 24).

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Bristow to use a metallic foam with the core of Carr in order to provide a greater degree of high frequency sound attenuation.

Wilson discloses that it is known to use a foam material in conjunction with a core material as claimed, one of ordinary skill in the art would find this combination of

structures to be applicable to both metallic and plastic materials, as the selection of material would be dependant upon "specific operating conditions" as taught by Carr.

With respect to claim 5 Carr further discloses wherein a first surface of said metallic foam layer is attached to one side of said liner core (refer to figure 6).

With respect to claim 6 Carr further discloses wherein the liner core (90 in figure 6) is a honeycomb core.

With respect to claim 8 Carr further discloses wherein said top sheet further comprises a perforate sheet (94 in figure 6) attached to the metallic foam layer.

With respect to claims 9 and 10 while not expressly disclosing the temperatures as claimed, it would have been understood by one of ordinary skill in the art the temperature of the gas stream in Bristow would have been high, and it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or working range involves only routine skill in the art. In re Aller, 105 USPQ 233.

With respect to claim 11 While not expressly disclosing including nickel titanium and/or Chromium, it would have been obvious to select such a material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

With respect to claim 12 Bristow further discloses further discloses wherein the metallic foam is at least partly open-porous (paragraph 23 and given the function of the foam, it would necessarily be open-porous as the gas passes through the material).

With respect to claim 17 Carr further discloses wherein the top sheet is designed for attenuating various acoustic environments such as different flight conditions for aircraft engines (Column 6 lines 50-65).

With respect to claims 18 and 19 Carr as modified by Bristow and Wilson discloses a liner for attenuating sounds and is composed of materials able to withstand high heat environments, it would have been obvious to one of ordinary skill in the art to place the linear in hot stream environment or a hot area of an aircraft engine.

It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex Parte Masham, 2 USPQ F.2d 1647 (1987).

2. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over WCarr (US4817756) in view of Bristow (US20050067218) and Wilson(US5114232) as applied to claim1 above, and further in view of Arcas et al. (US5175401).

Arcas is relied on solely to teach the importance of the nonlinearity factor (Column 2 lines 13-17).

Wilson as modified does not disclose an specific non-linearity factor. IN view of the teachings of Arcas as to the importance of the nonlinearity factor it would have been obvious to one of ordinary skill in the art to select any desired nonlinearity factor according to the conditions of use, since it has been held that wherein the general conditions of a claim are discloses in the prior art, discovering the optimum or working range involves only routine skill in the art. In re Aller, 105 USPQ 233.

3.Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US4817756) in view of Bristow (US20050067218) and Wilson (US5114232) as applied to claim1 above, and further in view of Kraft (US6182787).

With respect to claim 7 Carr as modified discloses the invention as claimed except wherein the liner core is of metallic foam.

Kraft discloses that it is well known in the art to substitute a bulk material for a resonator structure in an acoustic liner (Column 1lines 35-50).

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Kraft to have a bulk material in place of the honeycomb structure of Wilson and to use the metallic foam for simplicity of construction and heat resistance.

4. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US4817756) in view of Bristow (US20050067218), Wilson (US5114232) and Ely (US4291080).

With respect to claim 20 Carr as modified discloses the structure as the claimed invention but fails to discloses the use of brazing.

Ely discloses the use of brazing to attach a metallic foam cover (12 to a honey comb core (column 2 line 55).

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Ely to braze components with the structure taught by Carr as modified to provide a means of securing the components not requiring adhesives.

With respect to claim 21 Wilson further discloses a perforated sheet on the foam to form the top sheet (14 in figure 4).

Brazing is taught by Ely as a method of combining components.

5. Claims 13-16 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr (US4817756) in view of Bristow (US20050067218), Wilson (US5114232) and Ely (US4291080) as applied to claim 20 above, and further in view of Lowery (US5962107).

With respect to claim 13 Carr as modified discloses the invention as claimed except wherein the top sheet is compressed.

Lowery discloses wherein the top sheet is compressed (20 in figure 15).

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Lowery to compress the top sheet with the liner of Carr as modified to provide a means of tuning the liner by altering the absorptive properties.

With respect to claim 14 Lowery further discloses wherein the foamed layer is compressed to a different degree in different areas of the sheet (20 in figure 15).

With respect to claim 15 Lowery further discloses wherein the degree of compression is step wise increased/decreased over the top sheet (22 in figure 15).

With respect to claim 16 Lowery further discloses wherein the degree of compression is continuously changed over the top sheet (unnumbered triangular indentations in figure 15).

With respect to claim 22 Carr as modified discloses the invention as claimed except for wherein the top sheet is formed through applying pressure to selected areas of the top sheet surface.

Lowery discloses wherein a foamed layer is formed by applying pressure to selected areas (22 and unnumbered indentations in figure 15).

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Lowery to have indentations compressed into a foam layer with the method of Carr as modified.

With respect to claim 23 Lowery discloses wherein the pressure is applied to a different degree in different areas (refer to figure 15).

With respect to claim 24 Lowery discloses wherein the pressure applied over the different areas is stepwise increased/decreased (22 in figure 15).

With respect to claim 25 Lowery further discloses wherein the pressure applied over the different areas is increased/decreased in a continuous manner (unnumbered triangular indentations in figure 15).

6. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr(US4817756) in view of Bristow (US20050067218), Wilson (US5114232) Arcas (US5175401) Ely (US4291080) and Lowery (US5962107).

With respect to claims 26-27 Carr discloses an acoustic liner comprising a liner core (90 in figure 6), and a top sheet (96 in figure 6).

Bristow discloses the use of porous metallic foam as a sound absorber in a heat temperature region, and the compression of the foam to alter the flow characteristics (see figures and paragraphs 23, and 24).

Arcas is relied on solely to teach the importance of the nonlinearity factor (Column 2 lines 13-17).

Carr as modified does not disclose an specific non-linearity factor. In view of the teachings of Arcas as to the importance of the nonlinearity factor it would have been obvious to one of ordinary skill in the art to select any desired nonlinearity factor according to the conditions of use, since it has been held that wherein the general conditions of a claim are disclosed in the prior art, discovering the optimum or working range involves only routine skill in the art. In re Aller, 105 USPQ 233.

Lowery is relied on solely to teach the manner of varying the nonlinearity caused by compression.

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Lowery, Arcas, Ely, Bristo and Wilson with the liner of Carr to provide an improvement in sound reduction.

With respect to claim 28 Lowery discloses wherein the pressure applied over the different areas is stepwise increased/decreased (22 in figure 15).

With respect to claim 29 Lowery further discloses wherein the pressure applied over the different areas is increased/decreased in a continuous manner (unnumbered triangular indentations in figure 15).

Response to Arguments

Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's arguments concerning Wilson teaching away from the use of metallic material, the Wilson reference is now relied on only to teach a combination of types of sound absorbing structures, the materials and the intended use of the materials are known in the art as illustrated by Carr and Bristow. One of ordinary skill in the art would have found it obvious to combine the teachings of Wilson to use a foam and honeycomb type sound reduction liner with a metallic material according to the temperature to which the liner would be subject.

Regarding applicant's arguments concerning "substantially linear characteristics" as this term is broad; one of ordinary skill in the art would have considered any element of similar structure and material to have "substantially linear characteristics".

Regarding applicant's argument (page 12 paragraph beginning with **Second**) applicant argues that the perforations of the cited prior art are not compressed into cellular material as claimed. No such compression of perforations is claimed.

Regarding Arcas and the nonlinearity not specifically taught to be related to both flow and temperature, the nonlinearity would necessarily be related to both flow and temperature in the same manner as the instant invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FORREST M. PHILLIPS whose telephone number is

(571)272-9020. The examiner can normally be reached on Monday through Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 5712722227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. M. P./
Examiner, Art Unit 2837

/Jeffrey Donels/
Primary Examiner, Art Unit 2837